

Docket 78283MGB
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Timothy J. Wojcik, et al

INKJET PRINTING SYSTEM
WITH INTERNAL DRUM PAPER
FEED

Serial No. 09/811,703

Filed 19 March 2001

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Group Art Unit: 2853

Examiner: Leonard S. Liang

I hereby certify that this correspondence is being
deposited today with the United States Postal Service
as first class mail in an envelope addressed to
Commissioner For Patents, P.O. Box 1450, Alexandria,
VA 22313-1450.

Gina Marie Schmitt
Gina Marie Schmitt

February 2, 2004
Date

Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith in triplicate is Appellants' Appeal Brief for the above-identified application.

Please charge the \$330 fee to Eastman Kodak Company's American Express Account per the attached PTO-2038 (original + 1 copy)..

Any additional fees associated with this matter may be charged to Eastman Kodak Company Deposit Account No. 05-0225. A duplicate copy of this sheet is enclosed.

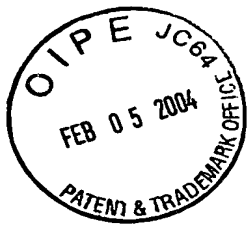
Respectfully submitted,

Frank Pincelli

Attorney for Appellants
Registration No. 27,370

Frank Pincelli/gms
Telephone: (585) 588-2728
Facsimile: (585) 477-4646
Enclosures

RECEIVED
FEB 17 2004
TECHNOLOGY CENTER 2853



Docket 81359MGB
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Timothy J. Wojcik, et al

INKJET PRINTING SYSTEM
WITH INTERNAL DRUM PAPER
FEED

Serial No. 09/811,703

Filed 19 March 2001

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 2853

Examiner: Leonard S. Liang

I hereby certify that this correspondence is being
deposited today with the United States Postal Service
as first class mail in an envelope addressed to
Commissioner For Patents, P.O. Box 1450, Alexandria,
VA 22313-1450.

Gina Marie Schmitt
Gina Marie Schmitt

February 2, 2004
Date

APPEAL BRIEF PURSUANT TO 37 C.F.R. 1.192

RECEIVED
FEB 17 2004
TECHNOLOGY CENTER 2800

02/09/2004 AWONDAF1 00000103 09811703

01 FC:1402

330.00 OP



Table Of Contents

<u>Table Of Contents</u>	i
<u>Real Party In Interest</u>	1
<u>Related Appeals And Interferences</u>	1
<u>Status Of The Claims</u>	1
<u>Status Of Amendments</u>	1
<u>Summary Of The Invention</u>	1
<u>Issues For Review By The Board</u>	2
<u>Grouping Of Claims</u>	3
<u>Arguments</u>	4
The Rejection	4
<u>Summary</u>	14
<u>Conclusion</u>	15
<u>Appendix I - Claims on Appeal</u>	16

RECEIVED
FEB 17 2004
TECHNOLOGY CENTER 2800

APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 1-10, 12-34, 38 and 40-43, which were contained in the Office Action mailed August 1, 2003. The appeal of Claim 11 is withdrawn.

A timely Notice of Appeal was filed November 4, 2003.

Real Party In Interest

As indicated above in the caption of the Brief, Eastman Kodak Company is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Appendix I provides a clean, double-spaced, copy of Claims 1-10, 12-34, 38 and 40-43 on appeal.

Claim 11 has been withdrawn from this appeal.

Claims 35-37 and 39 have been canceled.

Claims 1-34, 38 and 40-43 are the only pending claims in the application and all pending claims stand finally rejected under 35 USC 103.

Status Of Amendments

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

No Amendment subsequent to the Final Rejection has been filed.

Summary Of The Invention

The invention pertains to a method and apparatus of printing, such as

inkjet printing, using a print drum for supporting the receiver media and wherein the receiver media is supported as a roll internally of the print drum.

Referring to Figures 3A-C and the specification pages 8 and 9, a paper handling system of the invention comprises a rotary drum 26 having a tube-shaped outer surface 30 with a plurality of cutter notches 50 predisposed at predetermined locations along surface 30. Paper is drawn from a paper supply roll 32 located internally within the drum 26 and the paper is drawn along the outer surface 30 as shown in Figure 3 A. The paper is guided along the surface 30 toward the lead edge clamp 44, which is incorporated into the rotary drum 26. Upon reaching its desired location the lead edge 18 of the paper from the supply roll is retained by the lead edge clamp 44 at that particular location about the rotary drum 26. The printer carriage is translated across the rotary drum while printing images on the paper within a defined image area. The preferred printer is an inkjet printer. The cutter notches 50 are spaced from each other and arranged along the periphery of the drum surface 30 to allow cutting of the paper at any one of plural locations respectively defined by a position of a respective cutter notch. Thus printing is not limited to one image size as the printing may be one of any of multiple preselected sizes in accordance with the location of the lead edge of the sheet, which is clamped at clamp 44 (the same location for all sizes to be cut) and the location of cutter device 42a that is positioned to cut the sheet after printing at a respective one of the spaced cutter notches 50, see Figures 4A and B.

Issues For Review By The Board

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Are Claims 1-4, 6-7, 9-10, 13-19, 21, 24, 26-27, 31-34 and 40-43 unpatentable under 35 USC 103 in view of Kikumura et al. (Japan Patent publication 05-147284) taken with Kenbo (Japan Patent publication 58-28393)?
2. Are Claims 5, 22 and 28-30 unpatentable under 35 USC 103 in view of

Kikumura et al. taken with Kenbo and further in view of Kamano et al. (US Patent 6375319)?

3. Is Claim 8 unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and further in view of Kakutani et al. (US patent 6299283)?

4. Is Claim 20 unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and further in view of Clay (US patent 4282808)? Note that Claim 11 has been withdrawn from this appeal.

5. Is Claim 12 unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and further in view of Drake (US patent 5098503)?

6. Are Claims 23 and 25 unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and further in view of Bickoff et al. (US patent 5482389)?

7. Is claim 38 unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and further in view of Nuita (US patent 6050683)?

Grouping Of Claims

In regards to patentability, unless otherwise indicated, the claims within each group **do not** stand or fall together. Reasons supporting appellants' position that the claims in each group are separately patentable are provided in paragraph 8 (Arguments) in accordance with Rule 1.192 (c) (8).

Group A- Claims 1-4, 6-7, 9-10, 13-19, 21, 24, 26-27, 31-34 and 40-43.

For purposes of this appeal only patentability of Claims 6, 9-10 and 13 stands or falls with that of Claim 1. The patentability of Claims 3-4 and 7 stands or falls with that of Claim 2. The patentability of Claims 15-19, 21, 24 and 26 stands or falls with that of Claim 14. The patentability of Claims 31-34 and 40-43 stands or falls with that of Claims 27.

Group B- Claims 5, 22 and 28-30. For purposes of this appeal only patentability of claim 30 stands or falls with that of claim 29.

Group C- Claim 8.

Group D- Claim 20. Claim 11 has been withdrawn from this appeal.

Group E- Claim 12.

Group F- Claims 23 and 25.

Group G- Claim 38.

Arguments

The Rejection

A. Claims 1-4, 6-7, 9-10, 13-19, 21, 24, 26-27, 31-34 and 40-43 are not unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo.

Claims 1-4, 6-7, 9-10, 13-19, 21, 24, 26-27, 31-34 and 40-43 stand finally rejected as being unpatentable under 35 USC 103 over the combination of Kikumura et al. in view of Kenbo. Claim 1 is directed to a printer system for producing variable size printed receiver media. The printer system of Claim 1 comprises a receiver media handling system for an inkjet printer having an internal receiver media supply roll. **The handling system of Claim 1 also includes a rotary drum having a tube-shaped outer surface with a plurality of cutter notches predisposed at predetermined circumferentially spaced locations along the periphery of the drum. A cutting blade is adapted to cooperate with the cutter notches for cutting receiver media at any one of such cutter notches in accordance with a selected one of plural different sizes of receiver media to be formed as a printed cut sheet.**

The Examiner cites Kikumura et al. for disclosing a printer system for producing variable size printed receiver media. In this reference, receiver media in the form of roll paper, Rp, is fed from within a tube-shaped drum 11 onto the outer surface thereof. An inkjet printhead 12 is used to form an image on the receiver sheet as the receiver sheet is supported on the drum. As an alternative, the printer system of this reference may also use cut sheet, Cp, which is delivered to the surface of the drum for printing. It is the Examiner's position that because this reference teaches printing on a roll sheet that variable size printing is inherently suggested. It appears that the Examiner is suggesting that because the sheet may be torn subsequent to printing and removal from the drum to any one of plural different print sizes that variable size printing is inherently taught by Kikumura et al. It is thus undisputed by the Examiner that the primary reference fails to teach or even suggest a printer system having cutter notches predisposed at predetermined circumferentially spaced locations along the periphery of the rotary drum that has an internal receiver media supply roll.

The Examiner attempts to bolster the deficiency of the primary reference by combination with the secondary reference, Kenbo. The Kenbo reference discloses a printer system wherein sprocket holes are cut into the roll paper sheet **prior** to the sheet being sent onto a transfer roller or drum 22. The drum in Kenbo is used in an electro-photographic type of printer wherein the drum is photosensitive. In order to cut the sprocket holes into the paper sheet, the paper sheet is passed between a pair of rollers, one of which has a plurality of cutters and the other has complementary holes for receiving the cutters for placing perforations along the edges of this receiver sheet. The secondary reference also discloses that the roller with the cutters 21 has a forming blade 23 for also cutting the sheet transversely into a single predetermined size. This blade 23 apparently would not sever the sheet as the sheet is required to be subsequently continuously fed and printed and transferred to a post printing station where it is stacked. **It is thus apparent that both references fail to teach or suggest the presence of cutting notches on the printer drum itself as is being claimed in Claim 1.**

It is the Examiner's position that the primary reference does not disclose a specific cutting mechanism using cutting notches and that is why the secondary

reference is used in combination with the primary reference. It is further the Examiner's position that since there is separation of the paper following printing as taught in the primary reference that there is thus motivation for placing perforations in the paper sheet. However, applicants respectfully submit that there is no suggestion in this combination of references of the claimed printer system of **Claim 1 of a rotary drum having a tube-shaped outer surface with a plurality of cutter notches predisposed at predetermined circumferentially spaced locations along the periphery of the drum.** There is further no suggestion in this combination of references of **a cutting blade that is adapted to cooperate with the cutter notches for cutting receiver media at any one of said cutter notches in accordance with a selected one of plural different sizes of receiver media to be formed as a printed cut sheet.**

For this reason it is respectfully submitted that Claim 1 and all claims dependent therefrom are patentable over the combination of Kikumura et al. taken with Kenbo.

It is respectfully submitted that the Examiner is using applicants' specification as a road map to combine these disparate references in a way not suggested by the prior art itself. For example, as noted above, sprocket holes are placed in the web in the Kenbo reference prior to movement of the receiver media onto the print drum. This is done to accurately control movement of the receiver media through the print station. There is thus no motivation or suggestion in either of these references for making the modifications suggested by the Examiner absent reference to applicants' specification.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. It is respectfully submitted that the Examiner has failed to meet this initial burden.

Claim 2 is a dependent claim of Claim 1 and includes the feature of a lead edge clamp that is incorporated onto a rotary drum for retaining an edge of the receiver media from the supply roll at a location about the rotary drum and motorized means for causing the receiver media to advance in the first direction to advance the receiver media from the supply roll to a printing position and then to advance in an opposite direction of the first direction to advance the receiving

media to a cutting position following printing. It is submitted that the printer system of Claim 2 is also not suggested by the combination of the primary and secondary references as both of these references appear to be operative to print only with regard to one-way advancement of the print drum. Thus Claim 2 is separately patentable from Claim 1.

The patentability of Claims 3-4 and 7 stands or falls with that of Claim 2.

Claim 14 is an independent claim directed to a printer system that comprises a printhead for printing images on a receiver media and a receiver media handling system for producing variable size printed receiver media. The receiver media handling system **includes a rotatable drum having an internal receiver media supply roll supported within the drum and having a tube-shaped outer surface with a plurality of cutter notches predisposed at predetermined circumferentially spaced locations on the drum.** The outer surface of the drum is located relative to the printhead for printing of an area on the receiver media supported on the drum. A clamp retains an edge of receiver media from the supply roll at a location about the drum. The cutting blade is provided for the cutting receiver media at any one of the cutter notches in accordance with a size of a printed cut receiver media to be produced. A receiver media transport is provided for causing receiver media to move in a first direction from the supply roll to a printing position on the drum and to move in a second direction opposite to the first direction to advance the receiver media to a cutting position following printing. In the cutting position the cutting blade is adapted to cooperate with one of the cutter notches to cut the printed receiver media from the supply roll to form the printed cut receiver media to be produced in one of plural selectable sizes in accordance with a notch employed for cutting.

Again, the Examiner recognizes that the primary reference, Kikumura et al., fails to teach the subject matter of Claim 14 including the feature of **a rotatable drum having an internal receiver media supply roll supported within the drum and having a tube-shaped outer surface with a plurality of cutter notches predisposed at predetermined circumferentially spaced locations on the drum.** It is respectfully submitted that the primary reference also fails to disclose a number of other features recited in Claim 14, including a

receiver media transport for causing receiver media to move in first and second directions, which are opposite to each other for the function described.

While it is recognized that the secondary reference, Kenbo, discloses providing perforations prior to placement of the receiver media upon the print drum it is respectfully submitted that the combination of references fail to teach the printer system of Claim 14 having the identified structure recited above. Thus the Examiner has failed to even meet the initial burden of establishing a prima facie case of obviousness of Claim 14. For this reason, it is submitted that Claim 14 is also patentable.

The patentability of Claims 15-19, 21, 24 and 26, which depend directly or indirectly from Claim 14, stands or falls with that of a Claim 14.

Claim 27 is a method claim directed to a method of printing to form different sizes of printed cut receiver media and comprises the steps of drawing receiver media from a supply roll stored within a tube-shaped drum so that the drawn receiver media is moved and supported along an outer surface of the drum. An edge of the receiver media from the supply roll is retained at a location about the rotary drum. Printing of an image is made on the receiver media supported on the outer surface of the drum. The drum is rotated to advance the receiver media to a position where a cutter may cut the receiver media at any one of plural predetermined locations on the receiver media in accordance with a cut receiver media size selected. **The receiver media is cut at the predetermined location with the receiver media being supported on the outer surface of the drum at the location of forming the cut.** The cut receiver media is then removed from the drum.

As discussed above, with regard to the patentability of Claims 1 and 14 there is no disclosure in either of the primary and secondary references of the combination of features recited in Claim 27. More specifically, there is no teaching whatsoever in either of these references of cutting the receiver media while the receiver media is supported on the outer surface of the drum and the location of forming the cut. The primary reference teaches at best that cutting is before the receiver media is placed on the drum. The secondary reference supports the teaching of the primary reference of applying cuts to the receiver

media before the receiver media is advanced to the printer drum. There is further no suggestion in the prior art references of retaining the drum so that the cutter may cut the receiver media at any one of plural predetermined locations of the receiver media in accordance with a cut receiver media size selected. For these reasons it is submitted that Claim 27 is patentable over the combination of Kikumura et al. taken with Kenbo.

Claims 31-34 and 40-43, depend directly or indirectly from claim 27 and are submitted to also be patentable for the same reasons provided for the patentability of Claim 27.

B. Claims 5, 22 and 28-30 are not unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and Kamano et al.

Claim 5 is a dependent claim of claim 4. Claim 4 is a dependent claim of Claim 2 and adds the feature that at least one **drive roller is configured to engage onto the tube-shaped outer surface** and push the receiver media from the receiver media supply roll to the leading-edge clamp. Note from Claim 1 that the receiver media supply is internal to that of the rotary drum. The Examiner acknowledges that Kikumura et al. and Kenbo fail to teach a retractable drive roller. The Examiner then introduces Kamano et al. as disclosing a drive roller that retracts to release a trail edge of a receiver sheet that is being advanced from an external sheet supply. However, the roller 91 in Kamano et al. is not a retractable drive roller that is configured to engage onto the tube-shaped outer surface as called for in Claim 4. Thus, it is not seen why one of ordinary skill in the art would consider modifying Kikumura et al. and Kenbo with the teachings of Kamano et al. which is used to drive discrete sheets from a supply external to the print drum. It is thus submitted that the Examiner has also failed to set forth a prima facie case of unpatentability of claim 5.

Claim 22 is a dependent claim of Claim 21, which in turn is indirectly dependent upon Claim 14. Claim 14 is directed to a printer system that includes a rotatable drum having an internal receiver media supply roll. Claim 21 recites that at least **one in-feed drive roller is configured to engage onto the tube-shaped**

outer surface and push receiver media from the receiver media supply roll to the leading-edge clamp. Claim 22 further defines that the in-feed drive roller is configured to retract for printing. As established above, Kamano et al. does not teach or suggest a retractable drive roller that is configured to engage onto the tube-shaped outer surface as called for in Claim 14. Thus, the combination of Kikumura et al. and Kenbo taken with Kamano et al. fails to even remotely suggest the combination of Claim 22. It is thus submitted that the Examiner has also failed to set forth a prima facie case of unpatentability of claim 5.

Claim 28 is a dependent claim of 27, which is directed to a method of printing that includes the step of drawing receiver media from a supply roll stored within a tube-shaped drum so that the drawn receiver media is moved and supported along an outer surface of the drum. Claim 28 adds the feature that the drawing step further comprises the step of causing a retractable in-feed drive roller to come in contact with the outer surface. Again, Kamano et al. does not teach or suggest a retractable drive roller that is configured to engage onto the tube-shaped outer surface as called in claim 28. There is thus no suggestion or motivation in the references of Kikumura et al. taken with Kenbo and Kamano et al. to be combined in the manner suggested by the Examiner. It is thus submitted that the Examiner has also failed to set forth a prima facie case of unpatentability of claim 28.

Claim 29 is a dependent claim of 27 and adds the feature that the step of causing a retractable in-feed drive roller to come in contact with the outer surface further includes the step of driving the receiver media around the rotary drum and out to a lead-edge clamp. There is no teaching in Kamano et al. of this feature and further no teaching in this reference of a lead-edge clamp associated with the print drum. There is thus no suggestion or motivation in the references of Kikumura et al. and Kenbo and Kamano et al. to render obvious Claim 29. It is thus submitted that the Examiner has also failed to set forth a prima facie case of unpatentability of claim 29.

Claim 30 is a dependent claim of claim 29 and the patentability thereof stands or falls with that of Claim 29.

C. Claim 8 is not unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and Kakutani et al.

Claim 8 is a dependent claim of Claim 1 and adds the feature that the amounts of receiver media from said supply roll **on said outer surface of said rotary drum** is constant for all requested print formats. Kakutani et al. is directed to an inkjet printer apparatus wherein a receiver medium is fed over a platen drum 26 (see Figure 2) in small increments during the print operation. This however says nothing about the amount of receiver media from the supply roll that is on the outer surface of the rotary drum in Kakutani et al. It merely is directed to how material moves along this platen drum. Furthermore, Claim 8 is directed to a printer system that includes a cutting blade that is adapted to cooperate with cutter notches on the rotary drum for cutting receiver media at any one of the cutter notches in accordance with a selected one of plural different sizes of receiver media to be formed as a printed cut sheet (see applicants' Claim 1). It is thus submitted that the Examiner has also failed to set forth a prima facie case of unpatentability of Claim 8.

D. Claim 20 is not unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and Clay.

Claim 20 is a dependent claim of Claim 18 and adds the feature that an outer guide shoe is adapted to guide the receiver media from the supply roll toward the lead edge clamp. Claim 18 is a dependent claim of claim 15 and adds the feature that the clamp is a lead edge clamp incorporated onto the rotary drum. Claim 15 in turn, is dependent upon the independent claim 14, which claims the feature of a printer system that has an outer surface of the drum located relative a printhead for printing of an area on the receiver media **while supported** on the drum. The Examiner has recognized that Kikumura et al. and Kenbo differ from the claimed invention in that they do not disclose an outer guide shoe adapted to guide the receiver media from the supply roll toward the lead edge clamp. A third reference, Clay discloses a guide shoe that aids in preventing backlash in an

endless tape strip 31. This guide shoe is illustrated in Figure 3 of Clay as reference number 70. However, it will be noted that the guide shoe 70 in Clay is associated with a drive roller 21 that is not part of a print drum. Rather, the label is printed further downstream on a flat print platen 20. Thus, this tertiary reference fails to disclose or suggest in combination with Kikumura et al. and Kenbo a printer system as claimed in Claim 20 wherein an internal receiver media supply supported within a drum has a tube-shaped outer surface with a plurality of cutter notches predisposed at predetermined circumferentially spaced locations on the drum, the outer surface of the drum being located relative to the printhead for printing of an area on the receiver media while supported on the drum. The Examiner attempts to ameliorate the deficiency of the prior art by the use of isolated teachings in various references that taken together do not suggest the combination claimed in Claim 20. It is respectfully submitted that the Examiner is using a hindsight reconstruction of the prior art, based on the reading of applicants' specification and not the prior art itself, in order to support an improper rejection of applicants' claims. It is further respectfully submitted that the addition of Clay does not render obvious in combination with Kikumura et al. and Kenbo the entire subject matter of claim 20. For this reason, it is submitted that the Examiner has also failed to establish a prima facie case of unpatentability of Claim 20.

E. Claim 12 is not unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and Drake. Claim 12 is a dependent claim of Claim 1 and adds the feature that the printhead is a page-width printhead. The Examiner has additionally cited Drake as disclosing inkjet printheads that are known to be page-width. However, the features of the subject matter of Claim 1 of a printer system that includes a rotary drum within which an internal receiver media supply roll is provided and which additionally includes a plurality of cutter notches predisposed at predetermined circumferentially spaced locations along the periphery of the drum for use in cooperation with a cutting blade that cooperates with the cutter notches for cutting receiver media at any one of the cutter notches in accordance with a selected one of plural different sizes of receiver media to be formed as a

printed cut sheet are not rendered obvious by the combination of Kikumura et al. taken with Kenbo and Drake. As noted above, none of the references cited teach or suggest these features, nor is there any indication in the plurality of references cited, even considered in combination, of a suggestion or hint to the skilled person that would render obvious the printer system of Claim 12. For this reason, it is submitted that the Examiner has also failed to establish a prima facie case of unpatentability of Claim 12.

F. Claims 23 and 25 are not unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and Bickoff. Claim 23 is a dependent claim of claim 14 and adds the feature that the cutting blade is a retractable cutting blade. Claim 25 is a dependent claim of claim 24, which in turn is a dependent claim dependent upon claim 14; and claim 25 adds the feature that the rotating cutter wheel cutter wheel is configured to retract from the drum. The Examiner has cited Bickoff as disclosing a cutter blade that retracts and which is used in a printer. It is noted that Bickoff fails to disclose a cutting device that cooperates with a printer drum having notches. As may be seen in Figure 7 of Bickoff the cutter blade cooperates with a member downstream of the print platen 32. There is no teaching of the subject matter of claim 14, of which claims 23 and 25 are dependent directly or indirectly, of printing an image on a receiver media that is supported on the outer surface of the drum wherein a plurality of cutter notches are predisposed at predetermined circumferentially spaced locations on the drum. There is further no teaching or suggestion in the prior art of a cutting blade for cutting receiver media at any one of the cutter notches in accordance with a size of a printed cut receiver media to be produced. Although Bickoff discloses a retractable cutting blade such blade, as noted above, does not interface with notches on the print drum. Furthermore, with regard to Claim 25, the cutting blade of Bickoff is not a rotary cutter blade as recited in Claim 24 from which Claim 25 depends. The blade in Bickoff is a straight blade that is slid in a predetermined direction, see Bickoff Figure 8. For these reasons it is respectfully submitted that the Examiner has also failed to establish a prima facie case of unpatentability of Claims 23 and 25.

G. Claim 38 is not unpatentable under 35 USC 103 in view of Kikumura et al. taken with Kenbo and Nuita et al. Claim 38 is a dependent claim of claim 27 and adds the feature that the cutting step is preceded by the step of deactivating the rotating drum. Nuita et al is cited by the Examiner for teaching the deactivating of a rotary print drum during loading of the paper sheet upon the drum or removal therefrom to prevent a printhead from being damaged due to a rise of the paper sheet. It is noted that Nuita et al is directed to a printer that prints upon a cut sheet that is advanced to the drum. There is no teaching in Nuita et al of cutting of a receiver sheet nor is there any disclosure in this reference of a drum which supports a receiver media from a supply roll stored within a tube-shaped drum. There is further no teaching in Nuita et al of **cutting the receiver media with the receiver media being supported on the outer surface of the drum at the location of forming the cut**. This feature of claim 28 is also not taught or suggested by the combination of Kikumura et al. and Kenbo even considered in light of Nuita et al. For these reasons it is respectfully submitted that the Examiner has also failed to establish a prima facie case of unpatentability of claim 38.

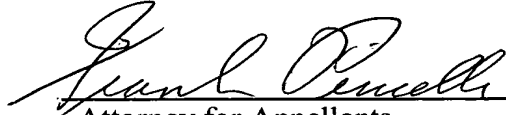
Summary

It is appellants' position that the Examiner has not made a prima facie case of obviousness regarding the unpatentability of the finally rejected claims. It is respectfully submitted that there are no suggestions or motivations in the references themselves to modify the primary reference in accordance with the position taken by the Examiner. It is further respectfully submitted that the Examiner has employed a hindsight reconstruction of the prior art to support his position. In any event, the arguments presented above by applicants are respectfully submitted to overcome any prima facie showing of obviousness by the Examiner.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of the finally rejected Claims, Claims 1-10,12-38 and 40-43.

Respectfully submitted,



Attorney for Appellants
Registration No. 27,370

Frank Pincelli/gms
Telephone: (585) 588-2728
Facsimile: (585) 477-4646
Enclosures

Appendix I - Claims on Appeal

1. A printer system for producing variable sized printed receiver media comprising:

a receiver media handling system for an inkjet printer having an internal receiver media supply roll, the handling system including a rotary drum having a tube-shaped outer surface with a plurality of cutter notches predisposed at predetermined circumferentially spaced locations along the periphery of the drum and the tube shaped outer surface surrounding the media supply roll, the handling system also including a receiver media feeder for drawing receiver media from said media supply roll and along said outer surface;

an inkjet printhead for printing images within an image area on said receiver media from the supply roll, the inkjet printhead being positioned relative to the rotary drum so as to form the image while the receiver media having the image area is supported on the outer surface of the rotary drum;

a cutting blade adapted to cooperate with said cutter notches for cutting receiver media at any one of said cutter notches in accordance with a selected one of plural different sizes of receiver media to be formed as a printed cut sheet; and

a post-print station adapted to receive said variable sized printed receiver media after the receiver media is cut from the supply roll.

2. The printer system according to Claim 1 wherein said receiver media handling system further comprises:

a lead edge clamp incorporated onto said rotary drum for retaining an edge

of receiver media from said supply roll at a location about said rotary drum; and
motorized means for causing said receiver media to advance in a first
direction to advance the receiver media from said supply roll to a printing position
and then to advance in an opposite direction to said first direction to advance said
receiver media to a cutting position following printing.

3. The printer system according to Claim 2 wherein said rotary drum is adapted to
run causing the cut receiver media to unload onto said post-print station.

4. The printer system according to claim 2 further comprising at least one drive
roller configured to engage onto said tube-shaped outer surface and push said
receiver media from said receiver media supply roll to said lead edge clamp.

5. The printer system according to Claim 4 wherein said drive roller is configured
to retract for printing.

6. The printer system according to Claim 1 further comprising a means including
a lead edge clamp incorporated onto said rotary drum for retaining said receiver
media from the supply roll in a printing position by tensioning said receiver media
from the supply roll between said lead edge clamp and said receiver media supply
roll.

7. The printer system according to Claim 2 further comprising a means for
causing said rotary drum to return to a receiver media feed position to begin a new

cycle.

8. The printer system according to Claim 1 wherein the amounts of receiver media from said supply roll on said outer surface of said rotary drum is constant for all requested print formats.

9. The printer system, according to Claim 1 further comprising a means for determining the location to cut said receiver media utilizing the image area for a current print shop.

10. The printer system according to Claim 1 further comprising a stripper/in-feed guide configured to cause said cut receiver media to exit onto the post-print station.

12. The printer system according to Claim 1 wherein said printhead is page-width.

13. The printer system according to Claim 1 wherein said printhead is adapted to translate across said rotary drum.

14. A printer system comprising:

 a printhead for printing images on receiver media: and

 a receiver media handling system for producing variable sized printed receiver media, the receiver media handling system including:

(a) a rotatable drum mounted for rotation about an axis and having an internal receiver media supply roll supported within the drum and having a tube-shaped outer surface with a plurality of cutter notches predisposed at predetermined circumferentially spaced locations on the drum, the outer surface of the drum being located relative to the printhead for printing of an area on the receiver media while supported on the drum;

(b) a receiver media feeder for drawing receiver media from said supply roll and along said outer surface;

(c) a clamp for retaining an edge of receiver media from said supply roll at a location about said drum; and

(d) a cutting blade for cutting receiver media at any one of said cutter notches in accordance with a size of printed cut receiver media to be produced; and

(e) a receiver media transport for causing said receiver media to move in a first direction from said supply roll to a printing position on said drum and to move in a second direction opposite said first direction to advance said receiver media to a cutting position following printing, wherein in said cutting position set cutting blade is adapted to cooperate with one of the cutter notches to cut the printed receiver media from the supply roll to form the printed cut receiver media to be produced in one of plural selectable sizes in accordance with the notch employed for cutting.

15. The printer system according to Claim 14 wherein said drum is a rotary drum.

16. The printer system according to Claim 15 further comprising means for causing said rotary drum to rotate so as to position the cut receiver media to exit.

17. The printer system according to Claim 15 further comprising a means for causing said rotary drum to return to a receiver media feed position upon unloading the cut receiver media through a designated exit.

18. The printer system according to Claim 15 wherein said clamp is a lead edge clamp incorporated onto said rotary drum.

19. The printer system according to Claim 18 further comprising means for retaining said receiver media from the supply roll in a printing position by tensioning said receiver media from the supply roll between said lead edge clamp and said receiver media supply roll.

20. The printer system according to Claim 18 further comprising an outer guide shoe adapted to guide said receiver media from the supply roll to said lead edge clamp.

21. The printer system according to Claim 17 further comprising at least one in-feed drive roller configured to engage onto said tube-shaped outer surface and push said receiver media from said receiver media supply roll to said lead edge clamp.

22. The printer system according to Claim 21 wherein said in-feed drive roller is configured to retract for printing.

23. The printer system according to Claim 14 wherein said cutting blade is a retractable cutting blade.

24. The printer system according to Claim 14 wherein said cutting blade is a rotary cutter wheel.

25. The printer system according to Claim 24 wherein said rotating cutter wheel is configured to retract from said drum.

26. The printer system according to Claim 14 further comprising a stripper/in-feed guide configured to cause said cut receiver media to exit onto a post-print station.

27. A method of printing to form different sizes of printed cut receiver media, comprising the steps of:

drawing said receiver media from a supply roll stored within a tube-shaped drum so that the drawn receiver media is moved and supported along an outer surface of the drum;

retaining an edge of said receiver media from said supply roll at a location about said rotary drum;

printing an image on the receiver media that is supported on the outer

surface of the drum;

rotating said drum to advance the receiver media to a position where a cutter may cut said receiver media at any one of plural predetermined locations on the receiver media in accordance with a cut receiver media size selected;

cutting said receiver media to cut said receiver media at the one predetermined location with the receiver media being supported on the outer surface of the drum at the location of forming the cut; and

removing the cut receiver media from the drum.

28. The method according to Claim 27 wherein said drawing step further comprises the step of causing a retractable in-feed drive roller to come in contact with said outer surface.

29. The method according to Claim 28 wherein said step of causing a retractable in-feed drive roller to come in contact with said outer surface further includes the step of driving said receiver media around said rotary drum and out to a lead edge clamp:

30. The method according to Claim 29 wherein said driving step further includes the step of guiding said receiver media around the circumference of said rotary drum.

31. The method according to Claim 27 and including the step of defining an image area on said receiver media for printing.

32. The method according to Claim 27 wherein said retaining step is followed by the step of tensioning said receiver media around said rotary drum through said receiver media supply roll.

33. The method according to Claim 32 wherein said tensioning step is followed by the step of activating said drum to rotate.

34. The method according to Claim 33 wherein said activating step is followed by the step of translating a printhead across said rotary drum for printing images on said receiver media within said image area.

38. The method according to Claim 27 wherein said cutting step is preceded by the step of deactivating said rotary drum.

40. The method according to Claim 27 wherein in said cutting step a cutter blade comes in contact with said receiver media on said rotary drum by running said cutter blade against a cutter notch on said outer surface.

41. The method according to Claim 40 wherein said cutting step includes rotating said rotary drum so that a cutting blade is opposite one of plural selected notches that are formed on the outer surface of the drum and which notches are circumferentially spaced along the outer surface of the drum.

42. The method according to Claim 41 wherein in said removing step said rotary drum rotates to advance the cut receiver media onto a path of a stripper guide.

43. The method according to Claim 27 wherein after said removing step said rotary drum returns to a paper feed position for a next print cycle.